

## **REMARKS**

In the present Office Action, claims 1-34 were pending before the Office. Of these, claims 1 and 18 were the only independent claims. The Office Action rejected claims 1-34.

Claims 1-34 were rejected under 35 U.S.C. §103 as being obvious over the combination of U.S. Patent Publication No. 2001/0011338 to *Bonola* (hereinafter "*Bonola*") and the conventional memory allocation process discussed in the "Background" section of Applicants' disclosure (hereinafter "the conventional memory allocation process").

Claims 1 and 18 have been amended. Support for these amendments can be found at least at, for example, page 12, lines 10-20 of Applicants' originally filed disclosure. Accordingly, no new matter has been added. No claims have been added, canceled, or withdrawn.

### **A. ENTRY REQUESTED**

Applicants submit that this Amendment After Final Rejection places this application in condition for allowance by amending claims in manners that are believed to render all pending claims allowable over the cited art and/or at least place this application in better form for appeal. This Amendment was not earlier presented because Applicants believed that the prior response(s) placed this application in condition for allowance, for at least the reasons discussed in those responses. Accordingly, entry of the present Amendment, as an earnest attempt to advance prosecution and/or to reduce the number of issues, is requested under 37 C.F.R. §1.116.

### **B. CLAIM REJECTION UNDER 35 U.S.C. § 103**

Claims 1-34 stand finally rejected under 35 U.S.C. §103 as being obvious over *Bonola* in view of the conventional memory allocation process. This rejection is respectfully traversed.

Independent claim 1 now recites, *inter alia*, that when a free group entry of the size required by a portion of a set of data does not exist ... allocating one of the sections of an unallocated size [of a memory] to the size required by the portion of the set of data thereby creating a section of a dynamically allocated size, ... the dynamically allocated size being the smallest-sized group entry necessary to store the portion of the set of data.

Independent claim 18 corresponds generally to independent claim 1 and recites similar features in apparatus form.

Applicants respectfully submit that neither *Bonola* nor the conventional memory allocation process, alone or in combination, discloses at least the aforementioned features, for at least the following reasons, even in view of the knowledge of one of ordinary skill in the art.

Initially, Applicants note the Office's repeated characterization of the discussion of the conventional memory allocation process as "Admitted Prior Art." Applicants continue to submit that this characterization is without evidentiary basis in law or fact. Firstly, a review of the Background section of Applicants' disclosure reveals no indication that the subject matter discussed there is prior art. Secondly, as a matter of law, locating a discussion of the conventional memory allocation process in the Background section does not render it prior art. Thus, the prosecution record does not yet support the Office's contention that the conventional memory allocation process is in fact "prior art" or that such has been "admitted."

Turning to the substance of the cited art, the primary citation to *Bonola* relates to a system, method and apparatus for

providing linearly scalable dynamic memory management in a multiprocessing system. *Bonola*, at paragraphs [0038] and [0039], discusses a manage memory process. The disclosed memory management process does not, however, result in the dynamically allocated size that is the smallest-sized group entry necessary to store the alleged portion of the alleged set of data. Instead, *Bonola* teaches that after a heap subregion is divided into two heap subregions, if a remaining half of the heap subregion contains twice as much memory as is required by the requesting application, the remaining half of the heap subregion is iteratively divided in half until there is a heap subregion that does not have twice as much memory as is required. Only then is the subregion assigned to the application. Conversely, if the remaining half of the subregion does not contain more than twice as much memory as is need by the requesting application, the remaining half of the subregion is assigned. (*Bonola*, paragraphs [0038] and [0039]). Thus, the *Bonolo* process merely seeks to reduce the size of the remaining half to a threshold size.

The secondary citation to the conventional memory allocation process fails to remedy the deficiency in *Bonola*, since it wholly fails to discuss dynamic allocation, save the need for the same.

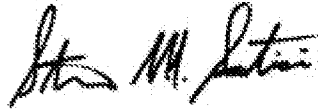
Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1 and 18 are respectfully requested.

### **C. CONCLUSION**

Since the Applicants assert that all the independent claims as amended are in condition for allowance and all remaining claims properly depend from the independent claims, Applicants assert that all claims are allowable.

Applicants do not believe a Request for Extension of Time is required but if it is, please accept this paragraph as a Request for Extension of Time and authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Applicants do not believe any additional fees are due regarding this Amendment. However, if any additional fees are required, please charge Deposit Account No. 04-1696.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Steven M. Santisi", is written over the typed name.

Dated: January 15, 2008  
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